

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #7	CCRB Case #: 201907366	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/16/2019 10:39 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 2/16/2021	EO SOL 10/3/2021	
Date/Time CV Reported Mon, 08/19/2019 4:00 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 08/19/2019 4:00 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonvincent Testaccio	17571	953477	120 PCT
2. POM Joseph Schneider	31685	953383	120 PCT
3. POM Michael Pace	13548	959866	120 PCT
4. POM Daniel Murro	04222	964183	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonvincent Testaccio	Abuse: Police Officer Jonvincent Testaccio forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Joseph Schneider	Abuse: Police Officer Joseph Schneider forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM Michael Pace	Abuse: Police Officer Michael Pace forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
D.POM Daniel Murro	Abuse: Police Officer Daniel Murro forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On August 19, 2019, § 87(2)(b) appeared at the CCRB as a walk-in complainant and filed the following complaint.

At approximately 10:39 p.m. on August 16, 2019, Police Officer Jonvincent Testaccio, Police Officer Joseph Schneider, Police Officer Michael Pace, and Police Officer Daniel Murro of the 120th Precinct responded to § 87(2)(b)'s residence, § 87(2)(b) in Staten Island, on a report that § 87(2)(b) was an emotionally disturbed person (EDP). Two FDNY EMTs, § 87(2)(b) and § 87(2)(b) responded as well. The police and EMTs spoke to § 87(2)(b) and eventually removed her to a hospital for psychiatric evaluation (**Allegations A, B, C, and D: Abuse of Authority: Forcible Removal to Hospital:** § 87(2)(g)).

The investigation obtained body-worn camera (BWC) video of this incident from Policar Officer Testaccio (**Board Review 01**), Police Officer Schneider (**Board Review 02**), Police Officer Pace (**Board Review 03**), and Police Officer Murro (**Board Review 04**).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Jonvincent Testaccio forcibly removed § 87(2)(b) to the hospital.

Allegation B – Abuse of Authority: Police Officer Joseph Schneider forcibly removed § 87(2)(b) to the hospital

Allegation C – Abuse of Authority: Police Officer Michael Pace forcibly removed § 87(2)(b) to the hospital

Allegation D – Abuse of Authority: Police Officer Daniel Murro forcibly removed § 87(2)(b) to the hospital

§ 87(2)(b) provided a sworn statement at the CCRB on November 12, 2019 (**Board Review 05**). Police Officer Testaccio was interviewed on February 18, 2020 (**Board Review 06**). Police Officer Schneider was interviewed on February 24, 2020 (**Board Review 07**). Police Officer Murro was interviewed on September 30, 2020 (**Board Review 08**). Police Officer Pace was interviewed on October 1, 2020 (**Board Review 09**). EMT § 87(2)(b) was interviewed on December 24, 2020 (**Board Review 10**). EMT § 87(2)(b) was interviewed on December 29, 2020 (**Board Review 11**).

It is undisputed that, for multiple years leading up to this incident, § 87(2)(b) and her neighbors have engaged in various ongoing disputes. These tensions have led to numerous police-involved incidents, including numerous instances in which police and EMTs removed § 87(2)(b) to the hospital (see § 87(2)(b)'s CCRB history below). In their interviews, all four subject officers acknowledged some prior level of familiarity with § 87(2)(b)'s address, background, mental health history, or ongoing disputes.

According to 911 call records (referred to as EVENTS, **Board Review 12**) this incident started when an anonymous civilian called 911 and reported that § 87(2)(b) was yelling racial slurs out her window and threatening neighbors. The caller stated that she was not with § 87(2)(b) and did not know if there were any weapons or injuries involved.

She said that § 87(2)(b) was possibly intoxicated with an unknown substance.

As documented by their BWC videos, Police Officer Testaccio and Police Officer Schneider were the first emergency personnel on scene. These officers spoke to § 87(2)(b) briefly through one of her house's windows but struggled to communicate with her due to her barking dog. § 87(2)(b) said that she would come outside to continue the conversation. Police Officer Testaccio then privately told Police Officer Schneider that § 87(2)(b) seemed "less crazy than she usually is" (1:00 to 2:20 of **Board Review 01** and **02**).

Police Officer Pace and Police Officer Murro arrived on scene shortly thereafter, along with EMT § 87(2)(b) and EMT § 87(2)(b). The four emergency workers spoke to § 87(2)(b) at the end of her driveway. Officers also spoke privately to an anonymous woman who identified herself as the 911 caller and who described § 87(2)(b) as making vague verbal threats earlier in the day ("you're all going to get it"). § 87(2)(b)'s next-door neighbor also approached the incident and spoke angrily about § 87(2)(b)'s past behavior. After approximately fifteen minutes, officers informed § 87(2)(b) that she had to go to the hospital. § 87(2)(b) verbally objected, but the officers escorted her into an ambulance, and she went to § 87(2)(b) for a psychiatric evaluation.

In their interviews, the officers and EMTs all stated that § 87(2)(b) was not a threat to herself or others, but was agitated, irate, or difficult to speak to, and these descriptions are corroborated by the BWC video. Throughout the video, § 87(2)(b) can be heard complaining circuitously about various administrative complaints and hearings related to her neighbors and her property boundaries. There is no evidence that § 87(2)(b) was ever armed, trying to self-harm, or about to attack anyone.

§ 87(2)(g)

§ 87(2)(b) In her sworn statement, § 87(2)(b) claimed, inaccurately, not to have spoken with EMTs prior to entering the ambulance and attributed her removal entirely to officers. While the officers' BWC videos collectively show the officers discussing § 87(2)(b) with the EMTs and the EMTs evaluating § 87(2)(b)'s behavior and medical history, the video does not clearly capture the moment where the emergency responders decided to remove her. From 15:10 to 15:30 of his BWC video (**Board Review 01**), Police Officer Testaccio approaches one of the EMTs and quietly asks "What do you guys think?" The EMT's voice is then sporadically audible but her response is not intelligible. Approximately 90 seconds later, PO Testaccio tells § 87(2)(b) "OK you can call everybody, but tonight, it looks like you're going to the hospital § 87(2)(b)". The officers then surround § 87(2)(b) and escort her into the ambulance.

In their interviews, PO Testaccio, PO Pace, and PO Schneider said that it was the EMTs who decided that § 87(2)(b) should be removed. These three officers were unable to recall the details of how the EMTs made this decision or relayed it to them. However, PO Murro said that one of the officers (he could not recall who) announced that § 87(2)(b) should be removed. He described the officers consulting with EMTs prior to this announcement but did not attribute the final decision to the EMTs.

Both EMT § 87(2)(b) and EMT § 87(2)(b) struggled to recall this incident, with EMT § 87(2)(b) having no independent recollection at all and only answering questions after seeing BWC video. Both EMTs stated, after seeing BWC video of § 87(2)(b) that she was exhibiting signs of poor mental health and likely required psychiatric evaluation. EMT § 87(2)(b) did not recall which first responder decided to remove § 87(2)(b).

EMT § 87(2)(b) stated that the first responders collectively talked § 87(2)(b) into going to the hospital willingly, and believed that in this type of incident, police officers have

§ 87(2)(g)

- § 87(2)(b) has been party to 17 prior CCRB complaints and has been named as a victim in 43 prior allegations (**Board Review 15**).

- [illegible]

§ 87(2)(b)

- Police Officer Testaccio has been a member of service for eight years and has been the subject of three prior CCRB complaints and five prior allegations, two of which were substantiated. CCRB complaint number 201308364 involved substantiated allegations of threat to damage or seize property and discourtesy (word). The NYPD enforced Command Discipline B. § 87(2)(g)
- Police Officer Schneider has been a member of service for eight years and has been the subject of five prior CCRB complaints and six prior allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Pace has been a member of service for five years and is currently the subject of two open CCRB complaints and four open allegations. § 87(2)(g)
- Police Officer Murro has been a member of service for three years and has been the subject of two prior CCRB complaints and two prior allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- According to the New York City Office of the Comptroller, no Notice of Claim has been filed regarding this incident (**Board Review 16**).

Investigator: Matt Chaves SI Matt Chaves 06/02/2021
Signature Print Title & Name Date

Squad Leader: _____

Signature

Manager Vanessa Rosen

Print Title & Name

June 2, 2021

Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____